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August 20, 2021

VIA ECF

Hon. Sarah Netburn
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: SEC v. Ripple Labs Inc., et al., No. 20-cv-10832(AT) (SN) (S.D.N.Y.)

Dear Judge Netburn:

We write on behalf of Defendant Ripple Labs Inc. ("Ripple") to request the Court's permission to file the attached sur-reply to the Securities and Exchange Commission's ("SEC") reply in support of its letter-motion seeking an order to compel Ripple to search for and produce additional Slack communications. *See* ECF No. 302. "Motions for leave to file sur-reply information [] are subject to the sound discretion of the court," and are often granted where, as here, a party seeks to address new arguments raised in a reply. *See, e.g., Barbour v. Colvin*, 993 F. Supp. 2d 284, 288 (E.D.N.Y. 2014) (internal quotation marks and citation omitted); *see also Stepski v. M/V Norasia Alya*, 2010 WL 11526765, at *1 (S.D.N.Y. Mar. 3, 2010).¹

In its reply, the SEC has completely mischaracterized 1) Ripple's collection of Slack notification e-mails to date, extrapolating a potential responsiveness rate that is off by many multiples; and 2) a Slack message regarding Mr. Brad Garlinghouse. Ripple seeks to file the attached sur-reply to correct those misstatements in the SEC's reply for the record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew J. Ceresney".

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¹ The SEC has indicated that it does not oppose Ripple's motion to file a sur-reply on this issue, but reserves the right to file a response if necessary.

cc: All parties (via ECF)